

Wetlands Bureau Decision Report

Decisions Taken
09/15/2003 to 09/19/2003

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

1998-00310 JUSZCZAK, CHET
TUFTONBORO Lake Winnepesaukee

Requested Action:

Amend permit to lengthen boathouse to accommodate new slip lengths and storage area.

Conservation Commission/Staff Comments:

The Conservation Commission had no objection to the original breakwater proposal and has not commented on subsequent changes to project.

APPROVE AMENDMENT:

(1) Dredge 125 cubic yards from 1530 square feet of public submerged lands and excavate approximately 2600 square feet along 53 linear feet of bank to construct a 43 foot by 60 foot dug-in boathouse, providing four interior slips. (2) Fill 804 square feet in public waters to construct a 65 foot long angled breakwater, with a 6 ft gap at the shoreline. Attach a 4 foot by 57 foot dock cantilevered to the breakwater with a 4 foot by 13.4 foot walkway to the boathouse, on 429 feet of shoreline frontage on Cow Island, in Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with revised plans by DMC Surveyors dated July 11, 2003, as received by the Department on August 15, 2003.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee
3. This permit shall not be effective until a deed restriction has been executed and recorded with the Registry of Deeds office. The Deed restriction shall limit the use of these docking facilities to permitted conditions, and shall dedicate the entire shorefront to the docking facilities granted under this permit.
4. A copy of the registered permit and deed restriction shall be submitted to the DES Wetlands Bureau prior to construction.
5. These shall be the only structures on these water frontages.
6. Appropriate siltation/erosion/turbidity controls must be in place prior to construction, maintained during construction, and remain in place until the area is stabilized.
7. Work shall be conducted in a manner to minimize turbidity and sedimentation to surface waters and wetlands.
8. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
9. The boathouse shall be a single story structure.
10. The owner shall file a restrictive covenant in the appropriate registry of deeds limiting the use of the boathouse to the storage of boats and boating-related accessories. A copy of the recorded covenant permit shall be submitted to the DES Wetlands Bureau prior to construction.
11. No portion of breakwater above normal full lake shall extend more than 50 feet from normal full lake shoreline
12. Top of breakwater shall be no more than three feet in elevation above normal full lake elevation.
13. Toe of slope shall be 1:1½, rise to run, or greater.
14. Breakwater shall have an irregular face to diffuse wave activity.
15. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a major project per Rules Wt 303.02(g), dredge of more than 20 cu yd and Wt 303.02(d), construction of a major docking facility.
2. The applicant has an average of 429 feet of frontage on Lake Winnepesaukee.
3. A maximum of 6 slips may be permitted on this frontage per Rule Wt 402.14, Frontage Over 75'.
4. The proposed structures as modified will provide 6 slips as defined per RSA 482-A:2, Boat slip, and therefore meet the requirements of Rule Wt 402.14.
5. Public hearing is waived based on field inspection by NH DES staff on Dec. 16, 1998, with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.

-Send to Governor and Executive Council-

**2002-01268 ENDICOTT GENERAL PARTNERSHIP, C/O NEWBURY NORTH DE
GREENLAND Unnamed Wetland**

Requested Action:

The Greenland Conservation Commission and the Conservation Law Foundation requested reconsideration of the March 19, 2003 approval to fill a total of 61,150 sq. ft. of palustrine wetlands for roadway crossings at 13 locations for a 79-lot subdivision on 212 acres; and install 150 linear feet of stockade fence in wetlands; and approval of mitigation including preservation of a total of 98.6 acres, consisting of 20.7 acres of upland and 77.9 acres of wetland, to be placed in conservation easement and held by the Town of Greenland; and creation of 24,829 sq. ft. (one 10,890 sq. ft. area, and one 13,939 sq. ft. area) of flood plain scrub/shrub and emergent marsh wetlands constructed as compensation for wetland impacts within the 100 year flood plain.

Conservation Commission/Staff Comments:

Conservation Commission and Conservation Law Foundation requested reconsideration.

Inspection Date: 08/13/2002 by Dori A Wiggin

Inspection Date: 08/13/2002 by David A Price

APPROVE RECONSIDERATION:

Deny permit issued March 19, 2003 with findings as follows

With Findings:

I. The Department reconsiders and denies the approval granted on 3/19/03 and finds as follows:

1. On June 12, 2002 DES received an application to fill a total of 61,150 sq. ft. of palustrine wetlands for roadway crossings at 13 locations for a 79-lot subdivision on 212 acres (hereinafter "the Project"). Also submitted as mitigation was preservation of a total of 98.6 acres, consisting of 20.7 acres of upland and 77.9 acres of wetland, and creation of a total of 24,829 sq. ft. of flood plain scrub/shrub and emergent marsh wetlands to compensate for wetlands impacts in the 100 year flood plain.
2. The proposed project is considered a major project per Rule Wt 303.02(c) as impacts to jurisdictional areas exceed 20,000 square feet.
3. On August 13, 2002 DES personnel conducted a field inspection of several of the proposed wetlands impact areas on the site.
4. On November 7, 2002 DES held a public hearing on the application, pursuant to RSA 482-A:8.
5. The record for the November 7, 2002 application hearing closed on January 7, 2003.
6. On March 19, 2003 DES approved the application with the primary finding that a significant portion of the impact (37,150 sq. ft.) was necessary to provide the two access roads to the property from Breakfast Hill and September Drive and an internal road connecting the two access roads, as required by the Town of Greenland Planning Board, thereby demonstrating need for that portion of the project, per Rules Wt 302.01(b) and Wt 302.04(a)(1).
7. On April 1, 2003 DES received a letter from the Greenland Conservation Commission ("GCC") requesting reconsideration of the Department's approval decision, citing several areas of concern, as addressed below.
8. On April 7, 2003 DES received a petition for reconsideration of the Department's approval decision from the Conservation Law

Foundation ("CLF") also citing several grounds, as addressed below.

9. On July 1, 2003 DES held a public hearing on the requests for reconsideration by the GCC and the CLF.

10. On July 17, 2003 the record for the reconsideration hearing closed.

II. Response to Motion for Reconsideration filed by the GCC and the CLF. The highlighted paraphrased quotes correspond to the combined issues of both parties in the requests for reconsideration.

1. Relative to access to the subdivision, the Greenland Planning Board granted a waiver to allow one access to the subdivision (GCC). The Department failed to properly address whether proposed impacts are necessary (CLF).

Granted. The record demonstrates the following with respect to demonstrated need per Rule Wt 302.01(b) and Wt 302.04(a)(1):

- a. physical access to the property can be gained through one wetlands crossing;
- b. the Greenland Planning Board acknowledged this general principal by granting a waiver to allow one access;
- c. there is an existing access to this property via the property's road frontage on September Drive as provided in the original September Drive subdivision as documented on recorded subdivision plan by Kimball Chase dated October 1, 1986. This is a contiguous section of the property with 50 feet of road frontage on September Drive, extending back 220 feet to the main body of the property, and is owned by the applicant - not a "right of way" as described in the application;
- d. design alternatives exist, including alternative lot layouts, that allow development of the property while eliminating several of the proposed crossings;
- e. in the approval granted on March 19, 2003, DES based its finding of need for the 37,150 sq. ft. of wetlands impact associated with construction of both accessroads and the internal road connecting those accesses solely on the requirements of the Greenland Planning Board as understood by DES at the time. However, testimony provided by the GCC at the July 1, 2003 reconsideration hearing, and re-examination of the record, finds that the Planning Board's actions are contradictory: for instance, a waiver is granted to allow one access. Then, a conditional second access is required, yet the record demonstrates that there is no criteria established for when this second access would become considered "necessary".
- f. during an application meeting on June 24, 2002 DES staff explicitly stated to the applicant that the proposal as submitted did not meet DES wetlands rules in representing need or least impacting alternative, to which the applicant responded that the Greenland Planning Board had already established the subdivision requirements for the conditional second access.

2. Least impacting location is off September Drive; flooding of adjacent properties (GCC). The Department failed to properly address whether proposed impacts are unavoidable, or the least impacting alternative (CLF).

Granted. With respect to avoidance and minimization and least impacting alternative, per Rules Wt 302.03 and Wt 302.04(a)(2) respectively:

a. Re-examination of the record, and testimony at the reconsideration hearing, finds that utilization of the originally created property access from its frontage on September Drive represents substantially less environmental impact than that resulting from the entrance road off Breakfast Hill Road for the following reasons:

- 1. the wetland crossing associated with the Breakfast Hill Road entrance bisects, and thus fragments two significant natural resource areas: a documented vernal pool and Atlantic white cedar community, whereas the crossing from September Drive does not;
- 2. a substantial portion (more than half) of the 16,150 sq. ft. of this wetlands impact occurs in very poorly drained 600 series hydric soils associated with the Atlantic white cedar community, whereas the crossing from September Drive passes through a poorly drained red maple/hemlock area (a much less environmentally sensitive area);
- 3. filling of 16,150 sq. ft. of wetlands for a distance of approximately 380 linear feet parallel to backyards already prone to flooding displaces and eliminates over one third of an acre of flood storage adjacent to these properties and has the potential to exacerbate the flooding problem, whereas the crossing from the September Drive location runs for only approximately 75 linear feet near adjacent backyards before reaching the main body of the property;
- 4. construction of an approximately 380-linear foot wetlands crossing in this location with installation of twin culverts at the center of the crossing has the potential to impound water on the side of the backyards already prone to flooding, whereas the crossing from September Drive does not;

5. the 50-foot width of the property frontage on September Drive allows for 30 feet of developable roadway while still maintaining the 10 foot setback from abutting property lines, as deemed appropriate according to the Department's rules in place at the time of the original subdivision, as stated in the finding no. 9 of the original decision. Practicable design options exist that would allow a two- way road to be constructed within this space.

b. Based on similar reasons as described in finding a. 1-5. above, the GCC endorses the September Drive access alternative as the least impacting alternative to gain access to the site.

c. With regard to the impact of the internal road connecting the access roads, this impact does not serve any lots and becomes unnecessary with the elimination of the Breakfast Hill Road access. Alternative lot layout designs exist that eliminate the need for such an impact.

3. [Impacts to] vernal pools, Atlantic White Cedar, fragmentation of wetlands and wildlife habitat (GCC). The Department has failed to properly assess the impacts of the project on wildlife; on the functions and values of the wetlands, aquatic resources, and total wetland complex, and the cumulative impact of the project (CLF).

Denied. Upon reconsideration, and re-examination of the record DES finds the following:

a. With respect to the impact to vernal pools and the Atlantic white cedar community, DES now finds that potential impacts to these elements would be eliminated by utilizing the existing September Drive frontage for this property, as supported by the record and testimony. DES further finds that by utilizing the existing September Drive frontage, the flooding of abutting properties, and some of the fragmentation issues raised by the GCC would be eliminated. Further fragmentation and impacts to the vernal pools which were located in April 2003 can also be reduced by alternative lot layouts generated by the elimination of the Breakfast Hill Road entrance and the internal connector road.

b. With respect to the effect of the overall project on wildlife, wetland functions and values, aquatic resources, and total wetland complex, and the cumulative impact raised by CLF, DES has consistently maintained that demonstration of need for proposed impacts, avoidance and minimization of impacts, and project design demonstrating use of the least impacting alternative, are the primary application evaluation criteria to be achieved. If a project cannot adequately demonstrate that these criteria are met, then the project is not approvable, and consideration of further criteria under Wt 302 is not applicable, nor is consideration of mitigation appropriate.

4. [Impact on] water quality, storm water runoff, hydrology, Norton Brook, watershed, financial benefit (GCC). The Department has failed to properly consider the impacts of the project on surface or ground waters; the Department's reliance on other review authorities within the agency represents unlawful and unauthorized delegation of its wetlands authority (CLF).

Denied. In its petition for reconsideration, the CLF contends that wetlands jurisdiction under RSA 482-A extends beyond the wetlands to the upland development of the project as a whole, and that all environmental impacts generated in uplands having the potential to effect wetlands, surface or groundwater, are therefore regulated by RSA 482-A. This contention is further supported by statements such as that made in the CLF's petition for reconsideration, section III, paragraph 27, which states in part "... (1) the upland activities could not occur but for the issuance of a wetlands permit..."

This broad interpretation exceeds the defined limits of wetlands jurisdiction, described pursuant to RSA 482-A:3 as within any bank, flat, marsh or swamp in or adjacent to any waters of the state; and pursuant to RSA 482-A:4 wherever the tide ebbs and flows..., any sand dune, and within 100 feet of the highest observable tide. Rule Wt 301.01 further limits wetlands jurisdiction to impacts occurring within wetlands as delineated by the Corps of Engineers Wetlands Delineation Manual Technical Report Y-87-1, (January 1987). Application of the CLF contention would result in the filing of wetlands applications for all development projects, regardless of whether or not there are direct wetlands impacts. This clearly exceeds the scope and intent of the statute.

Issues with respect to storm water run-off, hydrologic changes, Norton Brook watershed, and the contention by CLF that DES has unlawfully delegated review from the wetlands law to other areas of review within DES, are either incorrect or addressed by other laws administered by DES. The wetlands law, RSA 482-A, is not the appropriate means by which impacts to water quality resulting from upland activities are regulated. The Legislature's intent is clear in terms of the purpose and means by which each environmental resource element will be protected, and are regulated as follows:

a. In contrast to RSA 482-A, entitled "Fill and Dredge in Wetlands", Chapter 485-A entitled "Water Pollution and Waste Disposal", clearly states in 485-A:1, Declaration of Purpose: "The purpose of this chapter is to protect water supplies, to prevent pollution in the surface and groundwaters of the state and to prevent nuisances and potential health hazards. In exercising any and all powers conferred upon the department of environmental services under this chapter, the department shall be governed solely by criteria relevant to the declaration of purpose set forth in this section. RSA 485-A:4 Duties of Department further states "It shall be the duty of the department and the department is authorized:

I. To exercise general supervision over the administration and enforcement of this chapter.

II. To study and investigate all problems connected with the pollution of the surface waters or groundwaters of the state."

b. With respect to the protection of surface water quality, RSA 485-A:8 states "It shall be the overall goal that all surface waters attain and maintain specified standards of water quality to achieve the purposes of the legislative classification." And further in paragraph II: "There shall be no disposal of sewage or waste into said waters except those which have received adequate treatment to prevent the lowering of the biological, physical, chemical or bacteriological characteristics below those given above, nor shall such disposal of sewage or waste be inimical to aquatic life or to the maintenance of aquatic life in said receiving waters..."

c. With respect to storm water run-off protection RSA 485-A:17, entitled "Alteration of Terrain states "Any person proposing to dredge, excavate, place fill, mine, transport forest products or undertake construction in or on the border of the surface waters of the state, and any person proposing to significantly alter the characteristics of the terrain, in such a manner as to impede the natural runoff or create an unnatural runoff, shall be directly responsible to submit to the department detailed plans concerning such proposal and any additional relevant information requested by the department, at least 30 days prior to undertaking any such activity. The operations shall not be undertaken unless and until the applicant receives a permit from the department." This permit is independent of the wetlands permit, and administered under its own set of Administrative Rules, Env-Ws 415.

d. With respect to the impact of septic systems, RSA 485-A:29-46, entitled Sewage Disposal Systems, RSA 485-A:32,I, Prior Approval; Permits states "No person shall construct any building from which sewage or other wastes will discharge or construct a sewage or waste disposal system without prior approval of the plans and specifications of the sewage or waste disposal system by the department."

RSA 485-A:34, II, and IV, state "Lot sizes will be in accordance with the type of soil and its ability to absorb wastes without polluting water supplies or adjoining waters" and that " the department may reject applications for septic tank disposal systems in those areas where there is already a high concentration of septic tanks on adjacent, contiguous or nearby areas or if the application is an obvious expansion, addition or annexation to an area which has already reached the maximum allowable concentration of sewage disposal through septic tanks and leaching systems.

RSA 485-A:37 Maintenance and Operation of Subsurface Septic Systems, further states "Any person who has installed or otherwise acquired a subsurface sewage or waste disposal system installed in accordance with the provisions of this subdivision is required to operate and maintain said system in such a manner as to prevent a nuisance or potential health hazard due to failure of the system. RSA 485-A:41 III states that construction of systems which would pollute the surface waters or groundwaters of the state are prohibited, until an acceptable and practicable method exists which will prevent the pollution. With respect to private wells, the Department's regulatory authority is limited to assuring that a protective well radius is maintained on site on newly created lots, as specified in Administrative Rules Chapter Env-Ws 1000, "Subdivision and Individual Sewage Disposal System Design Rules", as specified in Part Env-Ws 1008, Sections Env-Ws 1008.04, 1008.05, 1008.06 relative to protective well radii.

In conclusion, Rule Wt 302.04(d) states that, unless the conditions of Rule Wt 304.16 apply, the Department shall not grant a permit if there is a practicable alternative that would have a less adverse impact on the environments under the Department's jurisdiction. DES finds that access to this property from September Drive at the existing access point, is approvable as the least impacting alternative, whereas the current proposal is not, and that redesign of the project could further reduce wetlands impacts.

DES finds that if the Town of Greenland wishes to direct the applicant to pursue a second means of access to the property(such as the Breakfast Hill access) at some time in the future, then the applicant may apply to DES for such an access at that time. Any future application will be evaluated on its merits for compliance with applicable rules and law.

**2002-01536 MWH PRESERVATION LTD. PARTNER., WAYNE PRESBY
CARROLL Ammonoosuc River**

Requested Action:

Dredge and fill 1,740 square feet within intermittent streams and drainage swales (impacting 500 linear feet) to construct access roads and 18 condo units for completing phase 2 of a planned residential development under the Bretton Woods Master Plan.

Conservation Commission/Staff Comments:

In a letter dated 6/21/02, NHI stated that there are no known occurrences of sensitive species near the project area.

Inspection Date: 06/16/2003 by Craig D Rennie

APPROVE PERMIT:

Dredge and fill 1,740 square feet within intermittent streams and drainage swales (impacting 500 linear feet) to construct access roads and 18 condo units for completing phase 2 of a planned residential development under the Bretton Woods Master Plan.

With Conditions:

1. All work shall be in accordance with revised plans by James S. Kennedy dated 8/26/03, as received by the Department on 8/29/03.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies this lot (#17) shall contain condition #2 of this approval.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
5. This permit is contingent on approval by the DES Subsurface Systems Bureau.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
8. Work shall be done during low flow or dry conditions.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Culvert outlets shall be properly rip rapped.
11. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This project is considered a Major Project per NH Administrative Rule Wt 303.02(i), as impacts to the bed and banks of streams are greater than 200 linear feet.
2. DES inspected the property on 6/16/03, and requested that plans be revised to reduce perennial stream impacts by removing planned culvert and replacing with a bridge.
3. On 8/29/03, DES received revised plans to incorporate a bridge crossing over a perennial so that no impact will occur within jurisdiction.

4. Public Hearing is waived with the finding that the proposed impacts to the intermittent drainages will not have a severe detrimental effect to downstream resources.

**2002-01711 R.F.I. INC.
HANOVER Connecticut River**

Requested Action:

Stabilize 372 linear feet of the bank along the Connecticut River (impacting 4,290 square feet within the bed and bank) by installing bio-engineered/vegetated methods in the upper bank and by installing riprap and stone toe protection in the lower bank to prevent bank erosion. Addition work includes installing temporary cofferdams, installing a perched beach/water access area beyond the existing top of bank, restoring a 5' wide riparian buffer beyond the top of bank, retaining an existing 6.5' x 12.5' wood deck and stairs (within the bank) and attaching a 5' x 45' "L" shaped seasonal float dock.

Conservation Commission/Staff Comments:

*In a letter dated 7/17/02, the Hanover Conservation Commission stated they intend to investigate the project and wish to intervene.

*In a letter dated 8/19/02, the Hanover Conservation Commission stated that in general they felt the project was well thought out; however, they had a few specific concerns that needed to be addressed.

Inspection Date: 04/12/2002 by Doug W Cygan

APPROVE PERMIT:

Stabilize 372 linear feet of the bank along the Connecticut River (impacting 4,290 square feet within the bed and bank) by installing bio-engineered/vegetated methods in the upper bank and by installing riprap and stone toe protection in the lower bank to prevent bank erosion. Addition work includes installing temporary cofferdams, installing a perched beach/water access area beyond the existing top of bank, restoring a 5' wide riparian buffer beyond the top of bank, retaining an existing 6.5' x 12.5' wood deck and stairs (within the bank) and attaching a 5' x 45' "L" shaped seasonal float dock.

With Conditions:

1. All work shall be in accordance with plans and revisions by CLD Consulting Engineers dated June 2003, as received by the Department on 7/30/03 and 9/3/03.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. The permittee shall notify DES and the local conservation commission in writing of their intention to commence construction no less than five (5) business days prior to construction.
4. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the bank areas are constructed in accordance with the stabilization plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
5. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Work shall be done during drawdown or low flow conditions.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
10. The schedule for installing plantings shall coincide with site construction unless otherwise considered and authorized by the Wetlands Bureau.
11. The dock shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
12. Seasonal dock shall be removed from the river for the non-boating season.

13. No portion of the dock shall extend more than 45 feet from the shoreline at normal high water elevation.
14. Stone placed along the beachfront for the purpose of retaining sand shall be placed above and/or landward of the normal high water line.
15. The steps installed for access to the water shall be located completely landward of the normal high water line.
16. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
17. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
18. Temporary cofferdams shall be entirely removed immediately following construction.
19. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
20. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. The project is classified as a Major Project per NH Administrative Rule Wt 303.02(i), as impacts are greater than 200 linear feet within the bed and bank of the Connecticut River.
2. DES staff inspected the site on 4/12/02 to assess the eroding riverbank and to discuss various alternatives for stabilizing the area.
3. NHI records show that the state and federally endangered dwarf wedgemussel may occur in this area of the Connecticut River.
4. In a letter dated 7/22/02, NH Fish & Game stated that they concur with the US Fish & Wildlife Service in that work being conducted in the drawdown area will not affect mussel habitat. For this reason, they concurred that this project will not impact the above species.
5. Public hearing is waived with the finding that the project should help to resolve existing land use problems by restoring a riparian buffer beyond the top of bank.

2003-00893 PULTAR, WILLIAM
PELHAM Unnamed Stream

Requested Action:

Dredge and fill a total of 1,202 sq. ft. of palustrine forested/ scrub-shrub wetlands, including the realignment and channelization of 347 linear feet of an intermittent stream, to construct an access roadway with driveway/culvert crossing for a residential subdivision.

Conservation Commission/Staff Comments:

No comments received from the Pelham Conservation Commission.

APPROVE PERMIT:

Dredge and fill a total of 1,202 sq. ft. of palustrine forested/ scrub-shrub wetlands, including the realignment and channelization of 347 linear feet of an intermittent stream, to construct an access roadway with driveway/culvert crossing for a residential subdivision.

With Conditions:

1. All work shall be in accordance with plans by Edward N. Herbert Associates, Inc. dated August 2002, as received by the Department on May 15, 2003.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This permit shall not be effective until it has been recorded with the Rockingham County Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. Proper headwalls shall be constructed within seven days of culvert installation.
6. Culvert outlets shall be properly rip rapped.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

8. Work shall be done during low flow.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(i), alteration of 347 linear feet of an intermittent stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this wetland ecosystem.

2003-01431 CROCKER, ROBIN
JACKSON Ellis River

Requested Action:

Dredge 4,760 square feet within the bed of the Wildcat River to remove 705 cubic yards of gravel to use on Town of Jackson's roadways.

Conservation Commission/Staff Comments:

- *In a letter dated July 7, 2003, The Jackson Conservation Commission stated that they wish to intervene on this dredge request.
- *In a letter dated August 11, 2003, The Jackson Conservation Commission stated that they recommend USFS and NHDES address a number of concerns associated with removing gravel from the riverbed.
- *In a phone conversation with the USFS - White Mountain National Forest staff (Dean Yoshina) stated that because the Wildcat River is designated as a National Wild & Scenic River, they feel that the proposed project would have a severe detrimental effect on the "protection and preservation of the free-flowing condition". They recommended that the application request be denied; otherwise, they would invoke federal authority to stop the project.

DENY PERMIT:

Deny request to dredge 4,760 square feet within the bed of the Wildcat River to remove 705 cubic yards of gravel to use on Town of Jackson's roadways.

With Findings:

Standards for Approval:

1. This is a Major Project per the NH Code of Administrative Rules Wt 303.02(i), as the proposed project impact greater than 200 linear feet within the bed and bank of the Wildcat River.
2. Approvals must be consistent with the findings of public purpose set forth by RSA 482-A:1.
3. The applicant must provide evidence which demonstrates that his/her proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Wt 302.03.
4. According to Rule Wt 302.04(d)(1), the department shall not grant a permit if there are practicable alternatives that would have a less adverse impact on the area and environments under the department's jurisdiction
5. The applicant must demonstrate by plan and example that each of the factors listed in Wt 302.04(a), Requirements for Application Evaluation have been considered in the design of their project.
6. According to Rule Wt 302.04(d)(5), the department shall not grant a permit if the requirements of Rule Wt 302.03 are not met or where the applicant has failed to document consideration of factors as required in Rule Wt 302.04(a).

Findings of Fact:

7. On July 3, 2003, a Standard Dredge and Fill Application was received by DES that proposed dredge 4,760 square feet within the bed of the Wildcat River to remove 705 cubic yards of gravel. The application stated that the project is needed as "The Town of Jackson Highway could use gravel for roads."
8. In a letter dated July 7, 2003, The Jackson Conservation Commission stated that they wish to intervene on this dredge request.

9. On August 11, 2003, USFS White Mountain National Forest staff requested that the application and related information be faxed to them for review.
10. In a letter dated August 11, 2003, The Jackson Conservation Commission stated that they recommend USFS and NHDES address a number of concerns associated with removing gravel from the riverbed.
11. In a phone conversation in August 2003 with the USFS White Mountain National Forest staff (Dean Yoshina), they stated that because the Wildcat River is designated as a National Wild & Scenic River, they feel that the proposed project would have a severe detrimental effect on the "protection and preservation of the free-flowing condition". They recommended that the application request be denied, or they would be forced to invoke federal authority to stop the project.

Findings in support of denial:

12. The applicant failed to provide evidence which demonstrates that his/her proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Wt 302.03.
13. Road gravel is readily accessible from gravel pits that are located in the uplands; therefore, the project is denied per Rule Wt 302.04(d)(1) as there are practical alternatives that would have a less adverse impact on the area under the department's jurisdiction.
14. The project is also denied per Rule Wt 302.04(d)(3) as the project causes unnecessary destruction of a federally designated National Wild & Scenic River.
15. In addition, the project is denied per Rule Wt 302.04(d)(5) as the requirements of Wt 302.03 were not met and because the applicant failed to document factors as required in Wt 302.04(a).

2003-01606 NH DEPT OF TRANSPORTATION
EPPING Lamprey River

Requested Action:

Replace two bridges with a single span impacting 3,455 sq. ft. of bank, channel and palustrine wetlands and temporarily impact 10,922 sq. ft. for construction access.

Inspection Date: 08/15/2003 by Gino E Infascelli

APPROVE PERMIT:

Replace two bridges with a single span impacting 3,455 sq. ft. of bank, channel and palustrine wetlands and temporarily impact 10,922 sq. ft. for construction access. NHDOT project #13940.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Bridge Design dated 6/03 revised 08/19/03 and 08/25/03, as received by the Department on August 25, 2003.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
3. This permit is contingent upon the submission a project specific stream diversion and erosion control plans to the DES Wetlands Bureau. Those plans shall detail the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.
4. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
5. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
6. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
7. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
8. Temporary cofferdams shall be entirely removed immediately following construction.
9. Construction equipment shall not be located within surface waters.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction,

and shall remain until the area is stabilized.

12. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.

15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

16. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.

17. The final planting and seeding plan shall be submitted to the DES Wetlands Bureau.

18. This permit is contingent upon the submission of stamped engineering plans, in accordance with Rule Wt 404.04, prior to construction.

19. Trees to be saved on the island shall be located and flagged prior to construction.

20. There shall be no further alteration to wetlands or surface waters without amendment of this permit.

21. The temporary fill areas shall be underlain with geotextile fabric and stumps cut flush to allow for sprouting after the fill is removed.

22. The impacts associated with the temporary work shall be remediated immediately following construction.

23. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse.

24. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands. Faulty equipment shall be repaired prior to entering jurisdictional areas.

25. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

26. A copy of the completion certificate shall be submitted to the file within 60 days of the completion of construction and re-planting.

27. Extra precautions shall be taken not to disturb the seeded banks while replanting trees and shrubs.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(i) alteration of river bank and channel in excess of 200 linear feet.

2. The need for the proposed impacts has been demonstrated by the applicant per Rule Wt 302.01.

3. The applicant has provided evidence, which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

5. DES Staff conducted a field inspection of the proposed project on August 15, 2003 and determined that the public will benefit from the widening of the bridge from one to two lanes.

6. Impacts to the bank, wetlands and floodplain have been minimized by designing the project to protect the roots during construction, removing the temporary fill and replanting with existing tree and shrub species.

7. The plans have been modified as a result of inspections and comments by natural resource agencies to minimize the disturbance of areas within jurisdiction.

9. The public hearing is waived with the finding that the project impacts are mostly temporary and will not significantly impair the resources of this riverine ecosystem.

MINOR IMPACT PROJECT

2002-02684 BOLDUC, NANCY
BARNSTEAD Manmade Ditch

Requested Action:

Request for reconsideration of the Department's August 1, 2003 denial and Department approval for an alternative design.

Conservation Commission/Staff Comments:

The Barnstead Conservation Commission has not commented on this project.

DENY RECONSIDERATION:

Reconsider and reaffirm denial of request to: Replace the existing 24 foot x 24 inch culvert with an alternative (longer) culvert design for property access and septic setback requirement.

With Findings:

The NH DES Wetlands Bureau reaffirms denial based on the findings 1-16 as listed in its original decision of August 1, 2003. NH DES Wetlands Bureau also makes the additional findings:

17. In accordance with RSA 482-A:10.II, a request for reconsideration shall describe in detail each ground for complaint.

18. In accordance with Administrative Rule Env-Ws 1008.04(a)Table 1008-2, the minimum separation distance for an effluent disposal system to surface water is 75 feet.

19. On February 12, 2003, DES suggested that the applicant consider an alternative septic system design that would meet Administrative Rule Env-Ws 1008.04(a) Table 1008-2 and Administrative Rule Wt 302.04(d)(4).

20. The applicant has stated that this jurisdictional watercourse is simply a roadside drainage ditch which is subject to periodic cleaning and maintenance. However, a search of DES records does not find any permits issued for maintenance of this jurisdictional area.

21. The applicant requested that DES waive Wt 302.04(d)(4) in accordance with Wt 304.16. This waiver as received December 16, 2002, stated the lot had been filled and therefore would have less filtering capacity for the septic system. In the February 12, 2003, Request for More Information DES suggested that the septic system could be moved to an area where less fill had been placed and that would meet the setback requirements of Administrative Rule Env-Ws 1008.04(a) Table 1008-2.

22. DES Subsurface Systems Bureau concurs that there is an alternative septic design for this property that would avoid the need for wetland impacts.

23. The request to waive Wt 302.04(d)(4), received on December 16, 2002, stated that the crossing was narrow and constituted a safety issue. On February 12, 2003, DES requested information on why the access is inadequate for a single family residence. DES has still not received this information.

2003-01060 MORGAN RYAN REALTY TRUST
DOVER Jackson Brook

Requested Action:

Deny request to fill a total of 5,629 square feet of wetlands at three locations, inclusive of two road crossings and a 16-foot wide shared driveway within a previously approved 18-lot single-family residence subdivision.

DENY PERMIT:

Deny request to fill a total of 5,629 square feet of wetlands at three locations, inclusive of two road crossings and a 16-foot wide shared driveway within a previously approved 18-lot single-family residence subdivision.

With Findings:

1. On October 22, 2001 DES received application #2001-2080, from Jones & Beach Engineers, Inc. on behalf of the applicant, Morgan Ryan Realty Trust, requesting to fill a total of 5,469 square feet of wetlands at three locations, inclusive of two road crossings and a fill for grading around a cul-de-sac within a previously approved 18-lot single-family residence subdivision on Dover Tax Map B / Lot 18 ("the property").

2. The proposal to fill 5,629 square feet of wetlands is a minor project per 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands.
3. Approval must be consistent with the findings of public purpose set forth by RSA 482-A:1, and that need must be demonstrated in accordance with Wt 302.01(a) and Wt 302.04(a)(1).
4. On November 6, 2001, DES conducted a field inspection of the proposed project site and requested, from the applicant's engineer, written concurrence from each of the two abutters whose property lines exist within 20 feet of the proposed wetland impact #1.
5. On January 29, 2003, DES sent a letter to the applicant stating that application #2001-2080 remained incomplete and that the outstanding information must be received by February 28, 2003, or the file would be closed; therefore requiring a new application should the applicant wish to pursue the closed project.
6. On March 3, 2003, File #2001-2080 was closed due to the outstanding information, specifically the 20-foot abutter approvals (2) for impact area #1 were never received by DES.
7. On May 30, 2003 DES received application #2003-1060 from Jones & Beach Engineers, Inc. on behalf of the applicant, Morgan Ryan Realty Trust, requesting to fill a total of 5,629 square feet of wetlands at three locations, inclusive of two road crossings and a 16-foot wide shared driveway within a previously approved 18-lot single-family residence subdivision on Dover Tax Map B / Lot 18 ("the property").
8. On June 3, 2003, DES sent a letter to Morgan Ryan Realty trust acknowledging the receipt of application #2003-1060.
9. Application #2003-1060 was received with the same application materials as the closed application #2001-2080, and without the additional information requested on November 6, 2001.
10. Plans submitted with application #2003-1060 show wetlands impacts #1 and #2 proposed for the same locations as wetlands impacts #1 and #2 from file #2001-2080, therefore again requiring the written concurrence from abutters whose property lines exist within twenty feet of the proposed impacts.
11. On July 9, 2003, DES sent a letter to the applicant requesting written concurrence from each of the two abutters whose property lines exist within 20' feet of the proposed wetland impact #1.
12. On July 22, 2003, DES received a letter from one of the two abutters whose written concurrence is required, stating that they "have no intention on signing off on the letter sent by Jones & Beach Eng., concerning abutting wetlands."
13. Also on July 22, 2003, DES received a letter from the Cornerstone Homeowners Association expressing concerns in regards to the effects of the proposed development may potentially have on the drainage problems that exist in the portion of the subdivision that has been built.
14. On August 6, 2003 DES received a letter from the second of the two abutters whose written concurrence is required, stating "At this time we are not willing to sign a waiver allowing the dredge and fill to take place."
15. Per Wt. 302.03 and Wt 302.04(a)(2), the applicant must provide evidence that demonstrates the proposed alternative encompasses the least adverse impact to the area and environment under the DES Wetlands Bureau's jurisdiction.
16. Per Wt 304.04 (a), the DES shall limit the location of a project to at least 20 feet from an abutting property line unless it receives written agreement from the affected abutter concurring with any impact that may result relative to the abutter's interests.
17. Per Administrative Rule Wt. 304.16, DES shall waive any of the criteria of Administrative Rule Wt. 300 provided that the alternative will not result in an increased environmental impact relative to the abutting property owners.
18. The request to waive abutter concurrences per Administrative Rule Wt. 304.16 is not approvable because the wetland impacts proposed for this property have the potential to increase the degree of the existing poor drainage conditions on the abutting properties.
19. Subdivision design alternatives exist for the property that would lessen the degree of potential environmental impacts on the abutting properties as a result of the proposed project.

2003-01555 CHRISTNER, CHERYL & TIMOTHY WHITE
NEW BOSTON Unnamed Wetland Beard Pond

Requested Action:

Dredge and fill approximately 3,600 square feet of palustrine forested wetlands and install two 15" x 20' culverts to provide access to a single family residence

APPROVE PERMIT:

Dredge and fill approximately 3,600 square feet of palustrine forested wetlands and install two 15" x 20' culverts to provide access

to a single family residence

With Conditions:

1. All work shall be in accordance with plans by Todd Land Use Consultants dated June 18, 2003, as received by the Department on July 17, 2003.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Work shall be done during low flow.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Proper headwalls shall be constructed within seven days of culvert installation.
6. Culvert outlets shall be properly rip rapped.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
9. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
10. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
11. No fill shall be done for lot development.
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
14. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), alteration of less than 20,000 sq ft of jurisdictional wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Department finds this project will not have a negative impact on the environment.

MINIMUM IMPACT PROJECT

2000-02317 CUMMINGS, RICHARD
WEBSTER Unnamed Wetland

Requested Action:

Permanently impact 345 square feet of palustrine emergent/forested wetlands and restore 3,480 square feet of palustrine emergent wetlands to provide access to a single family residence

APPROVE PERMIT:

Permanently impact 345 square feet of palustrine emergent/forested wetlands and restore 3,480 square feet of palustrine emergent wetlands to provide access to a single family residence

With Conditions:

1. All work shall be in accordance with plans and restoration narrative by Daniel Geiger as received by the Department on July 7, 2003.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
5. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
6. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
7. No fill shall be done for lot development.

Wetland restoration:

8. This permit is contingent upon the restoration of 3,480 sq. ft. of wetlands in accordance with plans received July 7, 2003.
9. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
10. The schedule for restoration shall coincide with site construction unless otherwise considered and authorized by the Wetlands Bureau.
11. Wetland restoration areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.
12. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the restoration areas are constructed in accordance with the restoration plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
13. The permittee shall notify DES and the local conservation commission in writing of their intention to commence construction no less than 5 business days prior to construction.
14. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the completion of each mitigation site.
15. Wetland restoration areas shall have at least 75% successful establishment of wetlands vegetation after one (1) growing season, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
16. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.
17. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
18. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(z), placement of fill to provide access to a single family residence.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Department finds the proposed restoration plan will provide the necessary functions and values for previously impacted

areas and environments under the department's jurisdiction.

2003-00742 LUCE, ROBERT
PORTSMOUTH Unnamed Wetland

Requested Action:

Impact 1,374 square feet of the developed upland tidal buffer zone for the construction of a driveway access entering into a building lot for a proposed single-family residence within a 7-lot subdivision.

Conservation Commission/Staff Comments:

Con Com intervention until June 4, 2003.

7/30/2003 - waiting for con com comments regarding revised project plans

8/5/03 - con com comments received - do not oppose

APPROVE PERMIT:

Impact 1,374 square feet of the developed upland tidal buffer zone for the construction of a driveway access entering into a building lot for a proposed single-family residence within a 7-lot subdivision.

With Conditions:

1. All work shall be in accordance with plans by Millette, Sprague & Colwell, Inc. dated April 22, 2003, with revisions dated September 8, 2003, as received by the Department on September 10, 2003.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Coastal staff shall be notified in writing prior to commencement of work and upon its completion.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
6. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(b), projects in previously developed upland areas within 100 feet of the highest observable tide line.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence that demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. No wetlands will be filled as a result of the proposed driveway construction.
5. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2003-00884 AJM REALTY INC
CLAREMONT Unnamed Wetland

Requested Action:

Dredge and fill approximately 378 square feet of a seasonal stream and install an 18" x 50' culvert to provide access for agricultural purposes

Conservation Commission/Staff Comments:

Conservation Commission approves of the project in a letter received by DES on June 27, 2003.

APPROVE PERMIT:

Dredge and fill approximately 378 square feet of a seasonal stream and install an 18" x 50' culvert to provide access for agricultural purposes

With Conditions:

1. All work shall be in accordance with plans by the applicant, as received by the Department on June 27, 2003.
2. This permit is contingent on approval by the DES Site Specific Program.
3. All work shall adhere to the standards of the "Best Management Wetlands Practices for Agriculture," NH Dept. of Agriculture, dated July 16, 1993, amended September 1998 and the "Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire" published by the NH Dept. of Resources & Economic Development.
4. Any change in use to a non-agricultural purpose will require further permitting by the DES Wetlands Bureau.
5. This permit shall be recorded with the county Registry of Deeds office by the permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Work shall be done during low flow.
11. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 sq ft of jurisdictional wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Department has determined this project will not have a negative impact on the environment.

**2003-01052 JACKSON HILL CONDOMINIUM, C/O ERIC WEINRIEB
PORTSMOUTH Tidal Buffer**

Requested Action:

Impact 192 square feet of developed upland tidal buffer zone for the removal of an existing shed and solar panels and the construction of a new shed.

APPROVE PERMIT:

Impact 192 square feet of developed upland tidal buffer zone for the removal of an existing shed and solar panels and the construction of a new shed.

With Conditions:

1. All work shall be in accordance with plans by Altus Engineering, Inc. dated May 20, 2003, as received by the Department on May 30, 2003.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Coastal staff shall be notified in writing prior to commencement of work and upon its completion.

4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
6. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(b), projects in previously developed upland areas within 100 feet of the highest observable tide line.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence that demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. Proposed impact represents an improvement from the existing conditions on the property.
5. No wetlands will be filled as a result of the proposed impacts.
6. The abutter whose property lines exist within 20 feet of the proposed impacts has provided written concurrence.

2003-01088 RENZONI, DEBORAH
TUFTONBORO Unnamed Wetland

Requested Action:

Approve name change to: Edmund J. Mansor, 21 Gage St., Methuen, Ma. 01844 per request received 9/18/03

Conservation Commission/Staff Comments:

The Tuftonboro Conservation Commission submitted its comments through a faxed letter to the DES Wetlands Bureau, dated 6/5/03 (their file #2003-13), with the notation that "We have no objections to the issuance of this permit".

APPROVE NAME CHANGE:

Approve the dredge and fill of 1,600 sq. ft. of a forested wetland and seasonal drainage way to install an 18-inch x 20-foot culvert with stone headwalls for a driveway crossing to uplands for access to a single-family building site on a 9-acre lot.

With Conditions:

1. All work shall be in accordance with plans entitled "Wetland Impact Plan for Deborah Renzoni, Union Wharf Road, Tuftonboro, NH" prepared by Fernstone Associates for the Natural Resources dated 5/12/03, as received by the Department on 6/2/03.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Work shall be done during low flow.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Culvert outlet shall be properly rip rapped.

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Wt 502.03(b).

2003-01253 LESSARD, EMILE
LISBON Salmon Hole Brook

Requested Action:

Temporarily impact approximately 625 square feet within the bed and banks of Salmon Hole Brook to install a temporary crossing and allow access for installing a drilled well.

CONFIRM EMERGENCY AUTHORIZATION:

Temporarily impact approximately 625 square feet within the bed and banks of Salmon Hole Brook to install a temporary crossing and allow access for installing a drilled well.

With Conditions:

1. All work shall be in accordance with plans by the applicant, as received by the Department on 6/23/03.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Appropriate siltation/erosion/turbidity controls shall remain until the area is stabilized. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The project is classified as a Minimum Impact Project per NH Administrative Rule Wt 303.04(i), as impacts are temporary for replacing a well.
2. The project was necessary to replace a failing well that serves rental units.
3. The project was issued emergency approval on 7/9/02 in accordance with Rule Wt 503.01(a).

2003-01262 GRAY, WILLIAM & JANET
SANBORNVILLE Pine River Pond

Requested Action:

Impact 90 sq ft to construct a 21 linear ft wood retaining wall, and repair an existing 4 ft x 23 ft piling pier connected to an existing 4 ft x 12 ft piling wharf in a "L" configuration in-kind on an average of 164 ft of frontage on Pine River Pond, Sanbornville.

Conservation Commission/Staff Comments:

Con. Com. did not sign application; must be reviewed as a standard dredge & fill minimum.

APPROVE PERMIT:

Impact 90 sq ft to construct a 21 linear ft wood retaining wall, and repair an existing 4 ft x 23 ft piling pier connected to an existing 4 ft x 12 ft piling wharf in a "L" configuration in-kind on an average of 164 ft of frontage on Pine River Pond, Sanbornville.

With Conditions:

1. All work shall be in accordance with plans by John R. Knight, as received by the Department on August 25, 2003 and cross sections received on September 16, 2003.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
5. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.

6. Repair shall maintain existing size, location and configuration.
7. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
8. All removed material shall be placed outside of the jurisdiction of the DES Wetlands Bureau prior to new construction.
9. Retaining wall shall be constructed landward of the shoreline defined by the elevation of normal high water so as not to create land in public water.
10. Work shall be done during drawdown.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(m), construction of a retaining wall impacting less than 50 linear ft of shoreline.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on July 18, 2003. Field inspection determined that a small retaining wall is appropriate to prevent further erosion and avoid a potential safety hazard.

2003-01692

NH DEPT OF TRANSPORTATION, DOUG KING - DISTRICT 2

SUNAPEE Tributary To Muzzey Brook

Requested Action:

In accordance with the Non Point Source Pollution Reduction Program, construct a sediment basin, stone lined treatment swale and extend a culvert to upgrade present stormwater controls

Conservation Commission/Staff Comments:

Conservation Commission is in support of this project.

APPROVE PERMIT:

In accordance with the Non Point Source Pollution Reduction Program, construct a sediment basin, stone lined treatment swale and extend a culvert to upgrade present stormwater controls

With Conditions:

1. All work shall be in accordance with plans approved by Douglas King (NHDOT), as received by the Department on July 24, 2003.
2. Work shall be done during low flow.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Proper headwalls shall be constructed within seven days of culvert installation.
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(j), projects located within the right-of-way of a public road.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Department has determined this is a minimum impact to jurisdictional areas and will have a positive benefit overall on the environment.

2003-01753 PORTSMOUTH, CITY OF
PORTSMOUTH Piscataqua River

Requested Action:

Impact 7,134 square feet of upland tidal buffer zone for the construction of a trail system to include trail identification markers and an information kiosk, and for the construction of two stone overlook viewing areas with benches.

APPROVE PERMIT:

Impact 7,134 square feet of upland tidal buffer zone for the construction of a trail system to include trail identification markers and an information kiosk, and for the construction of two stone overlook viewing areas with benches.

With Conditions:

1. All work shall be in accordance with plans by Richardson & Associates dated May 2003, as received by the Department on August 6, 2003.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Coastal staff shall be notified in writing prior to commencement of work and upon its completion.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
6. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(a), projects within 100 feet of the highest observable tide line.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01, to allow public access to scenic view and vantage points along the river without causing unnecessary erosion along the banks of the Piscataqua River.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. All of the proposed work, with the exception of a portion of one of the two overlook viewing areas are located landward of the 50 foot primary building setback.
5. The portion of the overlook extending into the 50 foot primary building setback is an accessory structure, and is to be located landward of the 20 foot accessory structure setback.
6. Judicious limbing of existing trees may be required during trail construction, however no trees will be removed unless they present a safety hazard.

FORESTRY NOTIFICATION

2003-01905 USDA FOREST SERVICE
THORNTON Unnamed Stream

COMPLETE NOTIFICATION:
Thornton US forest service

2003-01906 JAMES, MAURICE
NORTHWOOD Unnamed Stream

COMPLETE NOTIFICATION:
Northwood Tax Map 212, Lot# 65

2003-01910 SALO IRREVOC TRUST, ANNA
ACWORTH Unnamed Stream

COMPLETE NOTIFICATION:
Acworth Tax map 12, Lot# 306 & 306A

2003-01911 SALO IRREVOC TRUST, ANNA
UNITY Unnamed Stream

COMPLETE NOTIFICATION:
Unity Tax Map 16 & 17, Lot# 3-550 & A3-882

2003-01914 STATE OF NH FISH & GAME, JOHN LANIER
WEARE Unnamed Stream

COMPLETE NOTIFICATION:
Weare Tax map 407, Lot# 141

2003-01915 DRED - DIV OF FORESTS & LANDS
HILL Unnamed Stream

COMPLETE NOTIFICATION:
Hill Thomas State Forest & Wade State Forest

2003-01917 JOHNSTON, DAVID
BELMONT Unnamed Stream

COMPLETE NOTIFICATION:
Belmont Tax Map 215, Lot# 7

2003-01923 HIDEAWAY FARM REALTY TRUST
CROYDON Unnamed Stream

COMPLETE NOTIFICATION:
Croydon Tax Map 18, Lot# 65

2003-01924 RICHARDSON, HARLEY
KEENE Unnamed Stream

COMPLETE NOTIFICATION:
Keene Tax Map 904-19, Lot# 10 & 19-014

2003-01925 LORANGER, DEBORAH
NEW BOSTON Unnamed Stream

COMPLETE NOTIFICATION:
New Boston Tax Map 1, Lot# 13

2003-01926 WHITE MTN NATIONAL FOREST, C/O WAYNE MILLEN
BERLIN Unnamed Stream

COMPLETE NOTIFICATION:
Berlin Tax Map 407, Lot# 11

2003-01927 WHITE MTN NATIONAL FOREST, C/O WAYNE MILLEN
MILAN Unnamed Stream

COMPLETE NOTIFICATION:
Milan Tax Map 133, Lot# 6

-Send to Governor and Executive Council-

2003-01960 BEAVER BROOK ASSOCIATION
HOLLIS Unnamed Stream

COMPLETE NOTIFICATION:
Hollis Tax Map 16, Lot# 1

2003-01961 SMITH, BEVERLY
PENACOOK Unnamed Stream

COMPLETE NOTIFICATION:
Penacook Tax Map P26-1, Lot# 5

2003-01962 DUMAINE FARM, C/O WAGNER FOREST MGMT
COLUMBIA Unnamed Stream

COMPLETE NOTIFICATION:
Columbia Tax map 407, Lot# 22

2003-01964 ROWSE, SANDRA
SPRINGFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Springfield Tax Map 12, Lot# 738,473

2003-01965 STATE OF NH-DRED
PITTSBURG Unnamed Stream

COMPLETE NOTIFICATION:
Pittsburg Tax Map 1, Lot# 26

2003-01966 FEINDEL, JOSEPH & EILEEN
NORTHFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Northfield Tax Map R7, Lot# 13-1

2003-01986 WHITTEMORE, BERT
PEMBROKE Ames Brook

COMPLETE NOTIFICATION:
Pembroke Tax Map 937, Lot# 13

2003-01987 BATENAM JR, VINCENT
NEWFIELDS Unnamed Stream

COMPLETE NOTIFICATION:
Newfields Tax Map 214, Lot# 12

2003-01988 CLEAVES REVOC. TRUST, DOROTHY
WEARE Unnamed Stream

COMPLETE NOTIFICATION:
Weare Tax Map 410, Lot# 182

2003-01989 HENNESSEY, FRANK
RICHMOND Unnamed Stream

COMPLETE NOTIFICATION:
Richmond Tax Map 1, Lot# 15

2003-01990 MUSTO, MICHAEL
NEWFIELDS Unnamed Stream

COMPLETE NOTIFICATION:
Newfields Tax Map 214, Lot# 11

EXPEDITED MINIMUM

2002-02547 LINTON, ROBERT & GWYNETH
BRIDGEWATER Newfound Lake

Requested Action:

Excavate 720 sq ft to construct a 20 ft x 36 ft perched beach, utilizing 10 cu yds of sand, surrounded by 112 linear ft of stone wall, with 4 ft wide stairs accessing the beach and the water, on an average of 184 ft of frontage on Newfound Lake, Bridgewater.

Conservation Commission/Staff Comments:

Con. Com. signed exp. application.

Applicant requested another extension, for 30 days, until September 12, 2003.

APPROVE PERMIT:

Excavate 720 sq ft to construct a 20 ft x 36 ft perched beach, utilizing 10 cu yds of sand, surrounded by 112 linear ft of stone wall, with 4 ft wide stairs accessing the beach and the water, on an average of 184 ft of frontage on Newfound Lake, Bridgewater.

With Conditions:

1. All work shall be in accordance with plans by Robert A. Linton dated September 12, 2003, as received by the Department on September 12, 2003.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
5. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction prior to new construction.
7. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line. Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
8. The steps installed for access to the water shall be located completely landward of the normal high water line.
9. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
10. This permit shall be used only once, and does not allow for annual beach replenishment.
11. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
12. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
13. Work shall be done during drawdown.

14. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(d), construction of a perched beach for a single family residence.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2003-00948

AYER, FRANK & ANN

SANBORTON Lake Winnisquam

Requested Action:

Reconstruct 59 linear ft of damaged shoreline with stone riprap, and replace 36 ft 6 in of nonconforming rock wall with riprap, adjacent to an existing 4 ft x 47 ft 10 in seasonal dock attached to an existing 3 ft x 24 ft seasonal dock with a 3 ft x 15 ft existing seasonal walkway, on an average of 150 ft of frontage on Lake Winnisquam.

Conservation Commission/Staff Comments:

Con. Com. signed application.

APPROVE PERMIT:

Reconstruct 59 linear ft of damaged shoreline with stone riprap, and replace 36 ft 6 in of nonconforming rock wall with riprap, adjacent to an existing 4 ft x 47 ft 10 in seasonal dock attached to an existing 3 ft x 24 ft seasonal dock with a 3 ft x 15 ft existing seasonal walkway, on an average of 150 ft of frontage on Lake Winnisquam.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated August 5, 2003, revised August 26, 2003, as received by the Department on August 29, 2003.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. Dredged and excavated material shall be placed outside of the jurisdiction of the DES Wetlands Bureau prior to new construction.
6. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
7. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
9. Repair shall maintain original riprap size, location and configuration.
10. Work shall be done during low flow.
11. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
12. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
13. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.

2003-01163 CYR, GILBERT
WINCHESTER Unnamed Wetland

Requested Action:

Restore approximately 1,386 square feet and permanently impact 515 square feet of jurisdictional wetlands and install a 15" x 20' culvert to provide access to a single family residence

Conservation Commission/Staff Comments:

Winchester Conservation Commission signed the minimum expedited application, no further comments submitted.

APPROVE PERMIT:

Restore approximately 1,386 square feet and permanently impact 515 square feet of jurisdictional wetlands and install a 15" x 20' culvert to provide access to a single family residence

With Conditions:

1. All work shall be in accordance with plans by GRAZ Engineering dated May 20, 2003, as received by the Department on June 12, 2003.
2. This permit is contingent upon the restoration of 1,386 sq. ft. of wetlands in accordance with plans received August 18, 2003.
3. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. Work shall be done during low flow.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Area shall be regraded to original contours following completion of work.
9. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
10. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
11. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
12. No fill shall be done for lot development.
13. No fill shall take place in Atlantic white cedar swamps.
14. Proper headwalls shall be constructed within seven days of culvert installation.
15. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
16. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(z), to provide access to a single family residence
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to

areas and environments under the department's jurisdiction per Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

5. The Department finds the restoration plan adequate for the level of disturbance.

2003-01478 CRAWFORD, CHARLES
WILTON Unnamed Stream

Requested Action:

Dredge and fill approximately 1,742 square feet of palustrine forested and seasonal stream channels with 3 culvert crossings to provide access for installation and maintenance of a wireless communication tower

Conservation Commission/Staff Comments:

Wilton Conservation Commission supports the roadway layout to protect significant vernal pools located on the property.

The Souhegan River Local Advisory Committee (SRLAC) believes this project will not negatively impact jurisdictional wetlands for the installation of the access road. The SRLAC is concerned with related components of the project along Route 31 for installation of telephone poles.

APPROVE PERMIT:

Dredge and fill approximately 1,742 square feet of palustrine forested and seasonal stream channels with 3 culvert crossings to provide access for installation and maintenance of a wireless communication tower

With Conditions:

1. All work shall be in accordance with plans by Greenman-Pedersen, Inc., as received by the Department on July 14, 2003 and August 20, 2003.
2. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
3. Work shall be done during low flow.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
7. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
8. No fill shall be done for lot development.
9. No fill shall take place in Atlantic white cedar swamps.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 sq ft of nontidal jurisdictional wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Conservation Commission and the Souhegan River Local Advisory Committee not have issues with the wetlands impacts related to this project and support the proposed wetland impacts.
6. The Department has determined that impacts to jurisdictional wetlands related to this project will not have a negative impact on the environment.

2003-01591 PETTIS, SCOTT & JANET SYLVESTER
NEW CASTLE Mill Pond

Requested Action:

Impact 2,028 square feet of developed upland tidal buffer zone for the construction of a deck and an addition to an existing single-family residence.

APPROVE PERMIT:

Impact 2,028 square feet of developed upland tidal buffer zone for the construction of a deck and an addition to an existing single-family residence.

With Conditions:

1. All work shall be in accordance with plans by Ambit Engineering, Inc. dated May 2003, with revisions dated June 24, 2003, as received by the Department on July 22, 2003.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Coastal staff shall be notified in writing prior to commencement of work and upon its completion.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
6. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(b), projects in previously developed upland areas within 100 feet of the highest observable tide line.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. All impacts are proposed behind the 50-foot primary building setback, and in previously disturbed uplands.
5. No wetlands will be filled as a result of the proposed impacts.
6. Abutters whose property lines exist within 20 feet of the proposed impacts have provided their written concurrence.

2003-01661 ST HILAIRE, RICHARD & ELEANOR
SOMERSWORTH Unnamed Wetland

Requested Action:

Dredge and fill approximately 1,300 square feet of forested wetlands to install two 12-inch x 40-foot culverts associated with construction of a roadway to provide access to a 25-lot residential subdivision.

APPROVE PERMIT:

Dredge and fill approximately 1,300 square feet of forested wetlands to install two 12-inch x 40-foot culverts associated with construction of a roadway to provide access to a 25-lot residential subdivision.

With Conditions:

1. All work shall be in accordance with the Dredge/Fill Permit Plan by Trittech Engineering Corporation dated July 25, 2003 and revised August 26, 2003, as received by the Department on September 5, 2003.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
6. Work shall be conducted during low flow conditions.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Appropriate erosion, siltation, and turbidity controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Stone aprons shall be installed at culvert outlets, where appropriate, to dissipate flow velocities and prevent scour and erosion.
12. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
13. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
15. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
16. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. The project is categorized as a Minimum Impact Project, per Administrative Rule Wt 303.04(f), as the project involves alteration of less than 3,000 square feet of forested wetlands.
2. The need for the proposed jurisdictional impacts has been demonstrated by the applicant, per Rule Wt 302.01.
3. The applicant has provided evidence which demonstrates that the proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction, in accordance with Rule Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Rule Wt 302.04(b), Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has addressed the subdivision plan requirements of Rule Wt 304.09(a).

2003-01707

HEISER, ANNE MARIE

PEMBROKE Unnamed Wetland

Requested Action:

Dredge and fill 540 sq. ft. of jurisdictional wetland to construct a driveway with culvert crossing to access a single family home site.

APPROVE PERMIT:

Dredge and fill 540 sq. ft. of jurisdictional wetland to construct a driveway with culvert crossing to access a single family home site.

With Conditions:

1. All work shall be in accordance with plans by Carl Sherblom dated May 29, 2003, as received by the Department on August 06,

- 2003.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
 3. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
 4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
 5. Proper headwalls shall be constructed within seven days of culvert installation.
 6. Culvert outlets shall be properly rip rapped.
 7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

2003-01846 DESJARDINS, KENNETH
WEARE Unnamed Wetland

Requested Action:

Dredge and fill 215 sqft of wetland to construct a rip rap apron.

Conservation Commission/Staff Comments:

Con Com signed Expedited Application

APPROVE PERMIT:

Dredge and fill 215 sqft of wetland to construct a rip rap apron.

With Conditions:

1. All work shall be in accordance with plans by Nobis Engineering revision date June 10, 2003, as received by the Department on August 18, 2003.
2. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
3. Culvert outlets shall be properly rip rapped.
4. Work shall be done during low flow.

2003-01854 MATHESON, WILLIAM
NEW BOSTON Unnamed Wetland

Requested Action:

Dredge and fill 2100 sqft of forested wetland to gain access to upland portion of lot.

Conservation Commission/Staff Comments:

Con Com signed Expedited Application

APPROVE PERMIT:

Dredge and fill 2100 sqft of forested wetland to gain access to upland portion of lot.

With Conditions:

1. All work shall be in accordance with plans by Robert Todd dated August 6, 2003, as received by the Department on August 20, 2003.
2. Area shall be regraded to original contours following completion of work.
3. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
4. Proper headwalls shall be constructed within seven days of culvert installation.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control

Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

7. Work shall be done during low flow.

2003-01903 INGOLDSBY FARM, MARION & ROBERT INGOLDSBY
ACWORTH Unnamed Wetland

Requested Action:

Install 4 culverts impacting approximately 400 square feet of jurisdictional wetlands to provide access for agricultural purposes

APPROVE PERMIT:

Install 4 culverts impacting approximately 400 square feet of jurisdictional wetlands to provide access for agricultural purposes

With Conditions:

1. All work shall be done in accordance with plans by Ramsey, McLaren, dated June 15, 2003, and received by DES on August 25, 2003. All work shall adhere to the standards of the "Best Management Wetlands Practices for Agriculture," NH Dept. of Agriculture, dated July 16, 1993, amended September 1998.
2. Any change in use to a non-agricultural purpose will require further permitting by the DES Wetlands Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Work shall be done during low flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 sq ft of jurisdictional nontidal wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2003-01904 MORSE, ROBERT & SUSAN
SANBORNVILLE Lovell Lake

Requested Action:

Replace in-kind existing 44 linear ft stone retaining wall on an average of 100 ft of frontage on Lovell Lake, Sanbornville.

Conservation Commission/Staff Comments:

Con. Com. signed application

APPROVE PERMIT:

Replace in-kind existing 44 linear ft stone retaining wall on an average of 100 ft of frontage on Lovell Lake, Sanbornville.

With Conditions:

1. All work shall be in accordance with plans by Robert L. Morse, as received by the Department on August 25, 2003.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction,

and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. Removed material shall be placed outside of the jurisdiction of the DES Wetlands Bureau prior to new construction.
6. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
7. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
9. Repair shall maintain existing size, location and configuration.
10. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
11. Work shall be done during drawdown.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.

TRAILS NOTIFICATION

2003-01953 LAKEVIEW ESTATES HOMEOWNERS ASSOC, ANTHONY FRANCIO
BARRINGTON Unnamed Wetland

COMPLETE NOTIFICATION:
Barrington Tax Map 2, Lot# 13

LAKES-SEASONAL DOCK NOTIF

2003-02070 MILLER, ARTHUR
CROYDON Rocky Bound Pond

COMPLETE NOTIFICATION:
Croydon Tax Map B-0, Lot# 213 Rocky Bound Pond

2003-02077 MAYO SHORES LLC
GILMANTON Shellcamp

COMPLETE NOTIFICATION:
Gilmanton Tax Map 46, Lot# 87 Shellcamp

ROADWAY MAINTENANCE NOTIF

2003-02071 LESSARD, RICHARD
ALTON Unnamed Stream

2003-02072 WARREN, TOWN OF
WARREN Ellsworth Brook

2003-02073 SOMERSWORTH, CITY OF
SOMERSWORTH Roadside Ditch

2003-02074 NH DEPT OF TRANSPORTATION
CHESTER Unnamed Stream

2003-02075 NH DEPT OF TRANSPORTATION, DIST. 6
MILTON Unnamed Stream

2003-02076 JEFFERSON, TOWN OF
JEFFERSON Unnamed Stream